



COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS AND CLAIMS

Councilor David A. Murphy, Chair

Councilor Jesse M. Adams

Councilor Maureen T. Carney

Meeting Minutes

Monday, December 10, 2012

6:00 pm – 8:00 pm

City Council chambers, Wallace J. Puchalski Municipal Building
212 Main Street, Northampton, MA

1. Members present/absent: Councilor David A. Murphy, Councilor Jesse M. Adams, Councilor Maureen T. Carney, City Solicitor Alan Seewald. Also present: Councilor William H. Dwight, Councilor Marianne L. LaBarge, Councilor Paul D. Spector.
2. Meeting Called to Order Councilor Murphy called the meeting to order at 6:03 p.m. Councilor Murphy noted that a quorum of City Council was present.
3. The meeting was audio-recorded.
4. Public Comment – None.
5. CLAIMS:
 - Clark – Property Damage Claim of September 18, 2012 (*continued from November 19, 2012*)

The claimants stated that the City should have known that the tree was at risk. Councilor Adams referred to Wayne Feiden's email of November 21, 2012 which states no knowledge of hazardous trees on this land.

Councilor Carney noted her concern of comments made by Councilor Freeman-Daniels at the November 19, 2012 meeting of this Committee, in which he stated he would advise all residents to call the City of any tree near their property which could possibly fall. Councilor Carney noted that the liability to the City would only be if the City was notified prior to the tree fall.

Mrs. Clark stated that two out of five or six trees of same age on this land have now fallen. Mrs. Clark stated that Mr. Feiden is not a tree expert. Mrs. Clark also noted that the DPW did nothing about the first tree until the second tree fell.

Mr. Clark, in answer to Councilor Carney, stated that he did not file with his insurance company because present and former City Councilors advised him to file a claim with this Committee.

City Solicitor Seewald noted that the City was not notified, and is not liable. Councilor Carney asked City Solicitor Seewald if this Committee had some flexibility for reimbursement for the deductible of the claimant's insurance. City Solicitor Seewald stated that there should be no reimbursement if the City is not liable; any reimbursement would indicate liability on the part of the City.

Councilor Carney moved to deny the claim; Councilor Adams seconded. The motion passed unanimously (3-0).

Councilor Carney moved to approve \$500 to cover the claimant's deductible; Councilor Adams seconded.

Councilor Adams stated he would not support this motion as the denial of the claims indicates that the City is not liable.

The motion failed on a voice vote of 2 No (Councilor Adams, Councilor Murphy), 1 Yes (Councilor Carney).

- Shiner – Property Damage Claim of October 2, 2012

Ms. Shiner stated that, as her letter of October 25, 2012 to the Claims Committee states, she was told by "the woman who answered the DPW phone line on October 3, 2012 at 9am", that the DPW had already received notice of this pothole. She also stated that "the

woman at DPW" asked her, "Is it the pothole on North Street?" before she could explain her reason for calling. The pothole was patched on October 3, 2012.

DPW review indicates that there are no work orders for this incident. Ms. Shiner stated that "the woman at DPW" told her there were many calls about this pothole.

The Clerk was instructed to request more information from the DPW. How many calls were received about this pothole, and on what date(s) and time(s)? Was Ms. Shiner the first to hit the pothole and call it in? The Clerk will request DPW to be specific as to the first report to DPW and the timing from the first report to the repair of the pothole.

Councilor Carney moved to continue the claim to January 14, 2013; Councilor Adams seconded. The motion passed unanimously (3-0).

6. ORDINANCES:

1. Ordinance: Amend §350-10.5, 350-10.6, 350a et seq. Delete Planned Unit Development, Amend Open Space Residential Development to Incorporate Uses Previously Allowed as PUDs (*City Council December 6, 2012 Referred to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)
2. Ordinance: Amend §350-3.4 Rezone Densely Developed Residential Properties Between Barrett Street and Bridge Road from URB to URC to Reflect Current Uses (*City Council December 6, 2012 Referred to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Councilor Carney moved to continue Ordinance #1 and Ordinance #2 to January 14, 2013; Councilor Adams seconded. The motion passed unanimously (3-0).

3. Ordinance: Amend Article II Dogs and Cats §128-8 Annual Licensing; Late Charge (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
4. Ordinance: Amend Article II Dogs and Cats §128-11 Hearing Officer/Authority for Dog Complaints (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
5. Ordinance: Amend Article II Dogs and Cats §128-14 Requirement for Rabies Vaccination of Dogs, Cats and Ferrets (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
6. Ordinance: Amend Article II Dogs and Cats §128-15 Animal Control Officer; Poundkeeper and Provider (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
7. Ordinance: Amend Article II Dogs and Cats §128-16 Reimbursement for Damages to Livestock or Fowls (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
8. Ordinance: Amend Article II Dogs and Cats §128-17 Veterinarians' Fees for Emergency Treatment of Dogs and Cats Injured on Ways (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
9. Ordinance: Amend Article II Dogs and Cats §128-18 Inspection of Kennels; Suspension or Revocation of License; Procedure for Declaring a Kennel a Nuisance (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)
10. Ordinance: Amend Article II Dogs and Cats §128-19 Annual Kennel Dog Licenses (*City Council December 6, 2012 Referred to Committee on Elections, Rules, Ordinances, Orders and Claims*)

Clerk Mary L. Midura noted the email from Captain Koncas dated November 21, 2012, which states "These revisions are necessary in order to bring the ordinances in line with recent changes to MGL, Chapter 140."

Councilor Carney moved to send Ordinances #3 – 10 to City Council, with positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

7. Discussion of Councilor Adams' Proposed Changes to City Council Rules

The Committee, including City Solicitor Seewald, Councilor Dwight, Councilor LaBarge, and Councilor Spector discussed Councilor Adams' proposed changes to City Council Rules from Items # 1-18. The suspension of rules, number of readings, order of speaking on matters, adherence to Open Meeting Law, recognition of the Mayor and Finance Director at every meeting, consent agenda, order of business and conduct of City Councilors and public were topics of discussion. The discussion will be continued at the January 14, 2013 meeting of this Committee.

8. NEW BUSINESS –*Reserved for topics that the Chair did not reasonably anticipate would be discussed.*

A special meeting of this Committee was considered. Councilor Adams may bring Rule 6.8 forward to the December 20, 2012 City Council meeting.

Clerk's note: Councilor Adams' change to Rule 6.8 would not fit into current Council Rules structure; Councilor Adams will bring all proposed changes to City Council at another date.

9. ADJOURN

At 8:20 p.m., Councilor Carney moved to adjourn and was seconded by Councilor Adams. The motion to adjourn passed unanimously (3-0).

The next regular meeting is January 14, 2013 at 6:00 p.m.

*Respectfully submitted,
Mary L. Midura
Executive Secretary*



Re: Proposed Rules

Sat, Dec 8, 2012 at 2:43 PM

Owen Freeman-Daniels <owenfreemandaniels@gmail.com>

Reply-To: owenfreemandaniels@gmail.com

To: Jesse Adams <jesse.michaeladams@gmail.com>

Cc: mmidura@northamptonma.gov, AS@sjsamherst.com, dnarkewicz@comcast.net, Maureen Carney

<mtcarney@comcast.net>, Paul Spector <pauldspector@gmail.com>, Pamela Schwartz

<pschwartz77@gmail.com>, david.murphy8@comcast.net, genetacy@comcast.net, bdwight@comcast.net

Thank you.

I think rule 6(9) is a good compromise between good parliamentary procedures and the desire to allow a member of our body to be a participant in the legislative process.

I understand the reason for rule 17.

I disagree with the changes to rule 21 since I believe any councilor who is speaking relative to a motion should be able to speak as long as it takes for him/her to make his/her case. This should be a councilor's right, not something granted by a 2/3 majority of the council by rule suspension. Note this does not allow off-color speech.

I won't be there on Monday as I have a I-91 exit 19 PAC meeting at the same time.

Owen

On Sat, Dec 8, 2012 at 2:00 PM, Jesse Adams <jesse.michaeladams@gmail.com> wrote:

Hello everyone,

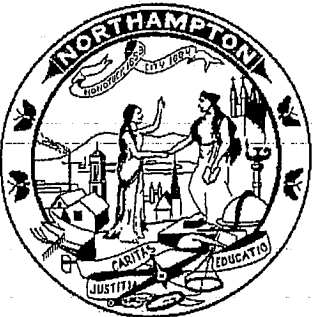
I made some more proposed changes for your consideration. Rules 6(9) is new, and I've made some proposed changes to Rules 21 and 17 as well.

Thank you!

Jesse

Owen Freeman-Daniels
53A Woodmont Road
413-530-1054

This is my email account as a City Councilor, and it is on the public record unless it falls under one of the specific statutory exemptions. If you wish to use my personal email account for non-City Councilor business, use owenfd@gmail.com.



CITY OF NORTHAMPTON

COUNCIL RULES 2012-2013 SESSION

CITY OF NORTHAMPTON

MASSACHUSETTS

RULES AND ORDERS OF THE CITY COUNCIL OF THE CITY OF NORTHAMPTON - for 2012-2013

Rules Governing Meetings

1 PRECEDENCE OF RULES. The City Council Meetings shall conform to parliamentary practices as set forth in the Rules and Orders of the City Council. The procedures defined in "Robert's Rules of Order," *Robert's Rules of Order Newly Revised, Tenth Edition, 2000.* (RROONR) will serve in all instances not covered by the Council Rules and Orders.

2 SUSPENSION OF COUNCIL RULES. Suspension of these rules or any part thereof shall require a two-thirds majority of members present.

3 REPEAL OR AMENDMENT OF RULES. City Council Rules and Orders may only be repealed or amended with prior notification of no less than three business days and require a two-thirds majority vote of the members present.

4 QUORUM. A quorum shall consist of not less than five Councilors.

5 RECOGNITION OF MAYOR. The Mayor is recognized at all Council Meetings.

Duties of the Presiding Officer

6 DUTIES OF THE PRESIDING OFFICER. The Council President shall act as presiding officer of the City Council at every meeting. The duties as presiding officer shall be only those set forth herein:

1. To open the meeting at the appointed time by taking the chair, calling the meeting to order, and ascertaining that a quorum is present;

2. To announce in proper sequence the business that comes before the City Council;
3. To recognize members who are entitled to the floor;
4. To state and to put to vote all questions that legitimately come before the assembly as motions or that otherwise arise in the course of proceedings (except questions that relate to the presiding officer as noted below), and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order; or, to refuse to recognize obviously frivolous or dilatory motions; (*Dilatory Motions are defined in Robert's Rules, Chapter VI, Section 13, pages 164 & 165; and in Chapter X, Section 39, pages 331 & 332*).

5. To expedite business in every way compatible with the rights of all members of the body;

- DELETE

 6. To decide and enforce all rules of debate and order, subject to an appeal to the Council Vice President by motion of one councilor regularly seconded; no other business shall be in order until the questions on the appeal shall have been decided; the Vice-President's ruling can be overturned by motion of one councilor regularly seconded, by vote of the majority of the Council.

6.

 7. To respond to inquiries of City Councilors relating to parliamentary procedure or factual information bearing on the business of the City Council;

7.

 8. To declare the meeting adjourned when the City Council so votes or, where applicable, at the time prescribed in the order of business, or at any time in the event of a sudden emergency affecting the safety of those present.

8.

 9. The Council President may ask questions during debate, and may opine after the votes have been cast. AS EASTHAMPTON

7 ORDER OF SUCCESSION OF PRESIDING OFFICER In the case of a vacancy or in the absence of the Council President, the Council Vice-President shall preside and shall retain voting privileges. At a duly called meeting of the City Council when neither the Council President nor the Council Vice-President are present, the City Council shall elect by majority vote, a President pro-tempore, who shall preside for that meeting and shall retain voting privileges. Should the City Council fail to elect a President pro-tempore in accordance with the preceding sentence, the meeting shall be adjourned.

8 PRESIDING OFFICER'S RIGHT TO LEAVE CHAIR. After any meeting is organized, the presiding officer shall have the right to leave the chair to advocate a position on the measure before the Council. The Chair shall appoint the Council Vice-President, or, in the absence of the Council Vice-President, a qualified City Councilor to perform the duties thereof, but only for the discussion of the measure for that day, or during that meeting. A qualified City Councilor shall be one that has not yet stated a position on the measure before the Council.

Council President

9 Council President Election and Duties. At any meeting when a City Council President is to be elected, and after nominations are made by members of the Council, candidates may present to the council. The duties of the Council President will include all duties pursuant to the charter and also:

1. Duty to assign councilors to serve on any multiple member body on which City Councilors will serve.

10 Council Vice-President Election and Duties. At any meeting when a City Council Vice-President is to be elected, and after nominations are made by members of the Council, candidates may present to the council. The duties of the City Council Vice-President will include all duties pursuant to the charter and also:

- ~~1. To provide a ruling on procedural, parliamentary, or rules matters if the Council President's ruling is appealed.~~

Meeting Format/Requirements

11 CALLING MEETINGS TO ORDER. The presiding officer shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Clerk of the Council.

12 ORDER OF BUSINESS.

The order of business at every regular meeting of the Council shall be as follows:

- 1) Roll Call
- 2) ~~Mayor's Awards and Announcements~~ COMMUNICATIONS F
- 3) Proclamations, Resolutions, Recognitions and One-Minute Announcements of Events
- 4) Presentations LICENSES + PETITIONS
- 5) Approval of minutes of the previous meeting
- 6) Reports of Committees
- 7) ~~Reports of City Affairs (Charter Provision 2-7)~~
- 7 8) Appointments, Elections and Public Hearings —
- 8 9) Licenses ~~PETITIONS~~
- 9 10) Recess for Finance Committee
- 10 11) Financial Orders
- 11 11) Orders and Ordinances
- 12 12) Updates from Council President and Committee Chairs
- 13 13) Information Requests (Charter Provision 2-7)
- 14) New Business

The agenda shall be published in this manner and adhered to at all meetings. The presiding officer may implement a change in the order of business unless any single Councilor objects, in which case the rules may be suspended as given in Section 2.

The Mayor may submit agenda items to the Council President who shall place them on the agenda of the next City Council meeting.

All orders, ordinances, and resolutions shall be organized by a number system by the Clerk of the Council and the presiding officer shall announce the number when the City Council is to consider it.

CHAIR - TAKE OUT OF ORDER

13 MINUTES OF PREVIOUS MEETING. The Clerk of the Council shall submit the minutes of the previous meeting with the council agenda for the next regular scheduled meeting of the City Council.

14 TERMS OF EXPRESSION. In all votes, in which the City Council expresses anything by way of command, the term of the expression shall be "Ordered" (except in case of ordinances), and whenever it expresses opinions, principals, facts or purposes, the form of expression shall be "Resolved."

15 TWO-READINGS RULE Every measure shall have two separate readings on two separate days. When the measure shall have passed two readings, it shall

~~be signed by the clerk and signed by the Enrollment Committee. After having~~
passed two readings, each order, joint resolution or ordinance shall be
presented to the Mayor for approval.

~~**16-CONDUCT.** All conduct at City Council meetings shall be civil and~~
respectful including Councilors, those addressing the Council and members of
the public.

17 PUBLIC COMMENT For a period of time to be determined by the presiding officer preceding each City Council meeting, individual members of the public shall be permitted to address the Council on any matter. The duration of the public session may be extended at the discretion of the presiding officer. Individuals wishing to speak will be recognized by the presiding officer and must state their name and address to the clerk. The presiding officer shall determine and announce the amount of time that individuals have to speak. The presiding officer shall rule out of order during the public comment session any remarks that clearly constitute defamation, with due regard for the distinction between elected officials and city employees who are public figures and those city employees who are not public figures. The presiding officer may order any speaker who breaks this rule to cease speaking and may preclude any such speaker from future meetings of the City Council.

18 NEW BUSINESS.

Any Councilor may introduce any written ^{PROPOSED} legal order, ordinance, or resolution to be considered by the Council at the next meeting, but not to be debated during new business.

19 RECESS. Any Councilor may call for and be granted a recess the length of which will be determined by the presiding officer.

20 PRIORITY OF MOTIONS. When a question is under debate the presiding officer shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, or to postpone indefinitely. These several motions shall have precedence in the foregoing order, and debate upon any of them shall be in conformity with Robert's Rules of Order.

21 ORDER OF SPEAKING. No person shall speak more than once on a question, to the prevention of any other who has not spoken, and is desirous to speak. The presiding officer may allow a brief immediate response to any statement posed directly to a particular City Councilor by a City Councilor. In no case shall a councilor speak more than twice to a question for a period of five total minutes.

22 CHARTER OBJECTION. On the first occasion that the question on adoption of a measure is put to the City Council, if a single member present objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council, whether regular or special. If 2 members present object, such postponement shall be until next regular meeting. If it is an emergency measure at least 4 members must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have the privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease. (CHARTER 2-9C)

23 RECONSIDERATION.

- A. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting.
- B. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting. Minority reconsideration shall have priority over majority reconsideration. Minority reconsideration shall be used to allow time for the submission of new or additional information. Reconsideration shall not be used in a dilatory manner as defined in RROONR pg 164-5 Ch 6, Section 13. Chapter 10, Section 39 331-2.
- C. No motion shall be twice reconsidered.

24 ORDER DURING DEBATE. No member should be interrupted while speaking, but by a call to order, or a request for information, or a question of privilege to appeal a decision from the presiding officer, or for the correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the presiding officer.

25 DECIDING VOTES. The presiding officer shall decide all votes, but if a member rises to doubt a vote the presiding officer shall order a roll call vote.

26 ROLL CALL VOTES. Any member may request a roll call vote on any question before the City Council and the Clerk shall take the census of the Council in that manner.

27 METHOD OF RECORDING ROLL CALL VOTES. Roll call votes shall be conducted by this method. The first roll call vote of every session of the City Council shall be in alphabetical order. Each roll call vote after that shall progress to the next City Councilor in the alphabet to be the first Councilor voting, so that at the end of every nine roll call votes each Councilor has by alphabetical progression voted first in one of the nine roll call votes.

28 ENDING TIME OF MEETING. Council Meetings shall end no later than 11:00 p.m.

Committees

29 COMMITTEE APPOINTEES TO BE NOTIFIED. The Clerk of the Council shall notify the appointee, in writing, upon their appointment to such committee.

30 FINANCE COMMITTEE - REFERENCE AND REPORT. Every order and resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be referred to the Committee on Finance before being presented to the City Council. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by said Committee unless directly connected with the financial features thereof, and then by recommendation only.

31 REFERENCE TO COMMITTEES. When any matter is referred to a commission, board, authority, or committee of any agency of the City of Northampton, or to a committee of the City Council, the Clerk of the Council shall notify the chair of said commission, board, authority, or committee of any agency of the City of Northampton, or committee of the City Council of such

reference and furnish thereto any public meeting notes, whether in draft form or finalized, where the matter was discussed, and all other public documents pertaining to the subject matter referred. Any committee, board, authority or commission shall report to the Council approval, disapproval, return without recommendation, or request for more time, within 60 days unless otherwise ordered by Federal, State Laws or City Ordinances. Requests for more time must give specific reasons and will require suspension of this rule. The Council shall not accept any approval, disapproval, or return without recommendation without all minutes from the meetings where the matter was discussed as well as all written correspondence relating to the matter included. Electronic forwarding of all minutes and correspondence to each councilor will satisfy this rule.

32 COMMITTEE'S DUTY TO MEET AND REPORT. It shall be the duty of every committee of the City Council to hold an initial meeting within 6 months after members of the committees have been appointed.

33 REPORTS OF COMMITTEES AND CERTIFICATION BY CLERK.

Committees of the Council shall have their reports made in writing and presented for consideration by the full Council at the regular meetings.

34 REPORTS TO BE IN WRITING - COPIES. All reports and other papers submitted to the City Council shall be legible and whenever possible, in electronic format and the Clerk of the Council shall make copies of any papers to be reported by committee at the request of the respective chair thereof.

Council Administration

35 LATE FILE RULE. All orders, ordinances, resolves, contracts and written business to be transacted by the City Council shall be filed with the Clerk of the Council on or before noon on the Friday previous to the date of the meeting at which it is to be first considered. No measures filed after Friday noon prior to the date of the Council meeting shall be considered unless it is for a stated, written purpose and receives an affirmative vote of five (6) members of the City Council.

36 ORDINANCES - ENACTING STYLE - FORMS AND NUMBERING. All by-laws passed by the City Council shall be termed "Ordinances," and the enacting style, which shall be but once recited in each ordinance, shall be "Be it ordained by the City Council of the City of Northampton in City Council assembled, as follows."

There shall be three forms printed; one for the addition of a section to the Code of Ordinances, one for the amendment of a section, and one for the repeal of a section. All ordinances proposed to the City Council shall be presented on one of the three forms prepared.

37 PROPOSED NEW ORDINANCES

Every proposed new ordinance or ordinance amendment (matter) to be submitted for City Council action shall:

- a) Be forwarded to the Mayor and Council President for placement on the agenda of the City Council.
- b) Be referred by the City Council to the committees of the Council and any other boards, authorities or commissions of the City as is deemed appropriate by the Council for action, approval and/or recommendation. In any event, no matter shall be voted on by the City Council until it has been referred to the Committee on Elections, Rules, Ordinance, Orders and Claims (Ordinance Committee).
- c) At or before the meeting at which the Ordinance Committee considers any matter for approval and/or recommendation the City Solicitor shall examine the matter's form and legal character. If there is disagreement between the City Solicitor and the sponsor regarding the correct form or legal character that is not resolved within 30 days after the scheduled meeting of the Ordinance Committee at which the matter shall be on the agenda or if the approval of the City Solicitor does not occur within 30 days of said meeting, the sponsor may request of the chair of the Ordinance Committee that the matter be placed on the agenda of the Ordinance Committee for a discussion of whether or not the Committee will approve and/or recommend the matter to the City Council.

38 LIMITATION OF AMENDMENTS. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

39 CLERK OF THE COUNCIL. The Clerk of the Council shall be appointed by the City Council. In the case of a vacancy, the Mayor shall submit to the City Council the name of an individual who, upon receiving a majority vote in the City Council, shall serve as clerk pro-tempore.

40 CUSTODY OF BOOKS, DOCUMENTS AND PAPERS. The books, documents and papers belonging to the City Council shall be in the care of the Clerk of the Council, who shall keep an accurate list thereof and no book, document or paper shall be taken therefrom by any person without giving notice to the Clerk, who shall enter the names of the persons taking the same in a book kept for that purpose.

41 VIDEO RECORD OF PREVIOUS MEETING TO BE INCLUDED AS PART OF THE MINUTES. Two (2) video records secured from Cable company or its successors that record the entire Council meeting shall be included as a section of the minutes of the previous meeting. One copy shall be sent to Forbes Library.

42 PAPERS ADDRESSED TO CITY COUNCIL. All papers addressed to the Council shall be provided to each Councilor, and become part of the minutes of Council meeting at which the papers distributed.

Miscellaneous & Council Seating

43 SEATING ARRANGEMENTS. The seating arrangement for the members of the City Council shall be determined by the Council President. The Mayor, Finance Director, and City Clerk may sit designated Council chamber desks.

44 MINUTES OF EXECUTIVE SESSION. The City Council shall create and maintain accurate minutes of all executive sessions in accordance with the following:

1. The minutes shall set forth the day, time and place, the members present or absent, a summary of the discussions on each subject, a list

- of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.
2. Any vote taken in an executive session shall be recorded by roll call and entered into the minutes.
 3. The minutes of any executive session and the notes, or other materials used in the preparation of such minutes, and all documents and exhibits, used at the session may be withheld from disclosure to the public in their entirety, according to the provisions of M.G.L. Chapter 4 § 7 (26) (a), as long as publication would defeat the lawful purposes of the executive session, but no longer.
 4. The Council President, with the assistance of the Clerk of the Council and City Solicitor, shall, at reasonable intervals, not to exceed three months, review the minutes of executive sessions to determine if the relevant statutory provisions warrant continued nondisclosure. Such determination shall be announced at the City Council's next meeting and such announcement shall be included in the minutes of that meeting.
 5. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the Council shall respond to the request within 10 days following receipt and shall release any such minutes that would not defeat the lawful purposes of the executive session.
 6. Any notes, documents or other exhibits used in the preparation of the minutes of executive sessions shall be retained for at least 60 days following the approval of the minutes of the executive session by the Council. The Council President shall periodically review said notes and other documents prior to the discarding or destruction thereof.

APPENDICES

SPECIAL PERMIT GRANTING AUTHORITY

Purpose & Intent

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the Northampton City Council in carrying out its duties and responsibilities as assigned to it by the ordinances of the City of Northampton and the General Laws of the Commonwealth of Massachusetts. Where there appears any conflict between these Rules and either state laws or the City Charter, the Law and Charter shall govern.

For any item of parliamentary procedure not governed by these rules or by appropriate laws the provisions of Robert's Rules of Order (Revised) will govern.

Chair/Moderator

I. Selection of a Chair/Moderator

The City Council President will serve as the presiding officer of the hearing.

MEETINGS AND HEARINGS

II. Notice of Public Hearings

Notice of hearings shall be advertised as required by the provisions of General Law Chapter 40A. In addition to the legally required notices the City Council will make every effort to publish this notice broadly so the public will be fully informed, methods might include the City website, email distribution list and Northampton Community Television.

III. Calling of Public Hearing

All hearings held by the Council as a Special Permit Granting Authority Shall be open to the public.

IV. Public Hearings

1. Public hearings, when called, will be conducted in the following manner:
 - A. The presiding officer will announce that it is time for a Public Hearing and will announce the subject of such hearing.
 - B. The presiding officer will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The presiding officer will then explain the procedure to be followed, including the time limits on speakers' and the fact that each speaker shall give his name and address for the record. By majority vote the City Council may extend the time granted to a particular speaker by the presiding officer. The chair may limit testimony that is repetitive.
 - C. The presiding officer will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations or City departments or boards pertinent to the matter.
 - D. The applicant will be given a reasonable amount of time to make a presentation regarding the matter.
 - E. Other persons supporting the position of the proponents will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations. A five-minute time limit shall apply but the Council could extend the time on a majority vote.
 - F. Before opponents to an application or petition are called to speak, a member of the Council may move for invocation of a summary procedure and, if seconded and approved by a majority of the

quorum; may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.

- G. Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of his opposition and to present such supportive information as was not included in previous presentations before the Council. A five-minute time limit shall apply and the Council could extend the time on a majority vote.
- H. After all opponents have been heard, the presiding officer will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents.
- I. After the proponents have responded to the opponents, the opponents shall have an additional opportunity to respond, the presiding officer shall determine which opponent shall respond at which time. A three minute time limit shall apply but the Council may extend the time by majority vote. The motion to extend time is non-debatable.
- J. The presiding officer will then enter all documents received concerning the matter into the record. The applicant or project staff may then answer any questions raised in the letters.
- K. If new information is presented the presiding officer or the Council may allow additional time for the appropriate party to respond. Immediately or in writing later but before the close of the public hearing.
- L. The presiding officer will then hear questions from the general public regarding aspects/issues that have not been addressed in previous testimony. The presiding officer shall refer questions to the appropriate person and may rule questions out of order if the subjects of the questions have already been addressed. Questions may also be submitted in writing.
- M. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption. Each meeting is a continuation of the same public hearing.

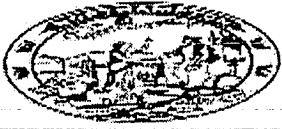
V. Votes of the Council

All votes for Special Permits shall require a 2/3 majority of the Council to pass.

Applications before the City Council

VI. Permit Applications

Applications for a Special Permit before the City Council shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and the instruction on and attached to the application form. Every application for action by the Council shall be made on the official application form, and as approved by the Council and adopted by reference in these Bylaws and Rules of Procedure.



Mary Midura <mmidura@northamptonma.gov>

Easthampton City Council Rules

1 message

Maureen Carney <mtcarney@comcast.net>

Mon, Dec 10, 2012 at 8:57 AM

To: "David A. Murphy (E-mail)" <david.murphy8@comcast.net>, Jesse Adams <jessemadams@aol.com>

Cc: Bill Dwight <bdwight@comcast.net>, Mary Midura <mmidura@northamptonma.gov>

Hello,

I'm forwarding this in the context of the discussion tonight on Council Rules.

I would like us to consider the Easthampton language regarding Council President's ability to debate without leaving the Chair.

>

> "The President of the Council has the power to vote on all matters coming before the Council. The President of the Council may at any time declare a recess of not more than fifteen minutes. The President of the Council may state fact and opinions and enter into debate without leaving the chair."



EasthamptonCityCouncilRules.pdf

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RULE 1

COUNCIL OFFICERS

The first City Council meeting in January following the biennial election shall be an organizational meeting. At that time, the Council shall elect a President and a Vice President.

RULE 2

ROLE OF COUNCIL PRESIDENT

The President shall serve as ex-officio member of all Council Committees, and as such shall have full power and authority to attend all meetings of council committees and subcommittees, including any portions of such meetings held in closed or so-called executive sessions but shall have the right to vote only in the case of a deadlock.

RULE 3

PRESIDING OFFICER

The President of the City Council shall preside at the meetings of the City Council. In the absence of the Council President, the Vice President shall preside. In the absence of both, the members will elect a member of the Council to preside over the meeting.

In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President.

If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before two regular meetings have passed.

RULE 4

DUTIES OF THE PRESIDING OFFICER

The presiding officer shall take the chair at the hour at which the Council is to meet and call the members to order.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council by any motion regularly seconded shall be put to vote and determined by a majority vote.

The President of the Council has the power to vote on all matters coming before the Council. The President of the Council may at any time declare a recess for not more than fifteen minutes. The President of the Council may state fact and opinions and enter into debate without leaving the chair.

RULE 4A

PRESIDING OFFICER OF NEW COUNCIL

The first scheduled meeting of the newly elected City Council shall be chaired by the immediate past president upon his/her duly being elected to the City Council in the preceding election. In the absence of this position, the most senior continuously serving council member shall preside over the election of council members. If two or more council members have equal years of service, the chair shall be chosen by a draw of qualified members.

(Rule 4A added December 7, 1999)

RULE 5

MEETINGS

The time and place of regular meetings shall be published in December of each year for the following calendar year.

RULE 5A

MEETING DEFINITIONS

Regular meeting of the City Council shall be held at a time and place but not less than twice monthly in September through May and once monthly in June through August.

Special meetings of the City Council may be held on the call of the Council President or on the call of three Councilors by written notice. Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to the City Clerk and made available to each Councilor forty-eight hours in advance of the special meeting.

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The Council President shall cite the need for going into executive session and call for a vote by the Council. For an Executive Session, the vote of each Council member must be recorded and entered into the minutes.

Executive sessions shall be governed by Massachusetts General Laws, Chapter 39, Section 23B.

RULE 5B

MEETING SCHEDULE

The Easthampton City Council shall meet on the first and third Wednesdays of each month, except in the summer when it shall meet on the first Wednesday of June, July and August. If the regularly scheduled meeting falls on or near a holiday, the meeting will be scheduled as necessary by the president and clerk of the council. (Rule amended Jan. 2, 2008)

RULE 5C

INTRODUCTION OF COUNCIL BUSINESS

No measure shall be received or acted upon unless introduced by a member of the Council or by a process otherwise provided by the Easthampton Home Rule Charter.

RULE 5D

FILING DEADLINES FOR REGULAR MEETINGS

Any of the above items of business to be presented to the City Council at its regular meeting for action shall be submitted to the Clerk of the Council no later than 10:00 a.m. five days, exclusive of Saturday or Sunday preceding the regular Council meeting. (e.g. the Wednesday before a Tuesday meeting). The Council President may approve any additional items for inclusion in the agenda after said deadline.

The Council President shall determine placement of business on the Council meeting agenda.

The Council agenda, including the Mayor's communication to the Council, if any, complete with documentation shall be delivered to the City Councilors no later than three days exclusive of Saturday or Sunday prior to the regular meeting of the Council. (e.g. Friday before a Tuesday meeting).

A copy of the agenda will be made available to the Mayor at the same time it is given to Councilors. (Last sentence added November 6, 1996)

RULE 5E

ORDER OF BUSINESS

At every regular meeting of the City Council the order of business shall be as follows:

1. Roll Call
2. Act on Minutes
3. Public Comment
4. Communication from Elected Officials, Boards, and Commissions
5. Correspondence
6. President/Vice President Communications
7. Mayor Communications
8. Council Communications, Announcements, and Committee Reports
9. Old Business
10. New Business
11. Adjournment

RULE 5F

PUBLIC COMMENT

Any member of the public may address the Council during the Public Comment portion of the meeting. After being recognized by the Chair, the person should state his name and address. Time allowed each person will be at the discretion of the Chair. In general, each person should be allowed approximately three minutes.

All remarks during this period should be made to the Council as a whole, not to an individual member. Remarks will not usually be followed by any kind of dialogue.

RULE 5G

MAYORAL COMMUNICATIONS DEFINED

The mayor may communicate with the council during the Mayoral Communication session of the agenda either in person or in writing. If in writing, the president shall present those items he/she has received to the Council. Comment from Council members shall be allowed.

If the Mayor wishes to address the Council during this period he/she may do so provided he/she has notified the president of his/her intent to do so prior to his/her appearance. The Mayor may use this time to make urgent announcements, address issues on the Council's agenda, or present any information he/she feels might aid in the Council's deliberations.

Council members may question the Mayor at this time.

(Rule 5G added November 6, 1996)

RULE 6

PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth and the charter or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary questions, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Robert's RULES OF ORDER, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including references to rules and rulings of state and local legislative bodies.

RULE 6A

QUORUM

Five members of the City Council shall constitute a quorum.

RULE 6B

ORDER OF SPEAKING: LENGTH OF SPEAKING

When two or more members request the floor at the same time, the presiding officer shall decide who shall first be heard. During debate, no Council member shall speak to the same question more than twice until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes per recognition by the President unless otherwise voted by the Council.

When debate centers around committee reports, committee members may be recognized beyond the time limit to answer questions.

RULE 6C

ORDER OF MOTIONS

When a motion is under debate, the chair shall receive no motion except the following, in order of preference:

1. To adjourn
2. To take a recess
3. To lay on the table
4. To move the previous question
5. To limit or extend limits of debate
6. To postpone to a certain date
7. To refer
8. To amend
9. To postpone indefinitely
10. To withdraw the motion

RULE 6D

PREVIOUS QUESTION

The previous question shall be put as follows: "I call the question." All further amendments or debate on the main question shall be suspended until the call to question has been decided by a two-thirds vote.

RULE 6E

REFERRAL TO COMMITTEE

In accordance with Section 2-6 (c) of the Easthampton Home Rule Charter, when a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad hoc committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a committee, commission, or board for advice sought by City Council.

In accordance with Section 5-7 (b) of the Charter, all requests for interdepartmental transfers shall be referred to a committee of the council as the council may determine to be appropriate. Upon receipt of such request, the committee shall schedule and hold a public hearing. In addition to the public hearing, all requests for interdepartmental transfers shall be subject to two readings before the Council votes on such requests. Notification of a public hearing will be posted on the Town Hall bulletin board unless any Councilor requests publication in a newspaper.

RULE 6F

RECONSIDERATION

At any meeting in which a vote has been taken, any Councilor may move for immediate reconsideration or may serve notice that a motion for reconsideration shall take place at the next regular meeting of the Council. The vote for reconsideration shall be open for debate which shall be limited to twenty minutes. A motion to reconsider requires a majority vote. Reconsideration may be moved by any Councilors regardless how the Councilor voted on the first vote.

RULE 7

MATTERS REDUCED TO WRITING

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. These written motions shall be given to the Clerk of the Council to assure accuracy of the minutes.

RULE 8

VOTES

With the exception of appropriations and ordinances, this rule shall define a majority of the City Council as a majority of those present and voting (an abstention shall be considered a non-vote). As the full council is comprised of nine (9) members, the "usual" majority shall be five (5) members for most measures or six (6) members for measures requiring two-thirds majority as required by charter or state law. Charter section 2-6 (b) governs the passage of appropriations and ordinances as requiring five (5) members of the full council. All action taken by the City Council requiring a vote will be by a majority unless otherwise provided by ordinance, Massachusetts General Laws, or the Easthampton Home Rule Charter, and if not covered by the above, reference may be made to Roberts rules. [Note: Two-thirds votes as required by state law for financial matters shall be two-thirds of the full council membership (6) as governed by Charter section 2-6 (b).]

In the event any action of the council requiring a majority shall pass with less than the "usual" majority of five (5) as defined above, this rule shall trigger an automatic reconsideration of that vote at the next full council regularly scheduled meeting before it can be finally passed with less than the "usual" majority of the full council. Any public hearings or debate shall be continued and reopened by the chair. This rule can only be set aside by a majority vote of the full council (five votes). (Rule #8 amended on May 1, 2007).

RULE 8A

ROLL CALL

A roll call may be requested by any Councilor. The result of the roll call shall be entered into the records. The order of the roll call voting shall be alphabetical and rotated after each vote.

Every Councilor present when the question is put shall vote YES, NO, ABSTENTION, or PASS. If a Councilor passes, the Councilor will be called again at the end of the voting for his or her vote. A PASS if not changed will be recorded as an abstention. Any Councilor may change his or her vote prior to the announcement of the total tally.

RULE 9

REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for its re-submission unless re-submission is approved by a majority of the Council present or as otherwise provided for by the Charter.

RULE 10

RECORD KEEPING

Unless otherwise provided for by the City Council, the City Clerk or designee shall be the Clerk at regular meetings of the Council. The Assistant City Clerk may serve in place of the City Clerk. Said clerk shall keep a record of the proceedings and perform such duties as may be assigned by the Easthampton Home Rule Charter, by ordinance, or other Council vote.

The Clerk shall give notice of all meetings of the City Council by transmitting a copy of the meeting agenda to its members and posting meeting notices to the public. The Clerk shall coordinate with the Mayor or the Mayor's designee to arrange that meetings of the City Council are videotaped, to the extent reasonably possible.

Copies of the minutes of any meeting of the City Council may be requested through the Clerk who will provide copies of the requested minutes, provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer.

RULE 11

COUNCIL COMMITTEES

After the organization of the Council, the President, subject to the approval of the full Council, may appoint members of standing committees. The committees are as follows: Public Safety (see Rule 11D), Rules and Government Relations (see Rule 11E), Finance, Appointments, Ordinance and Property. Each committee shall have three members. Each committee will organize and elect its own Chair. (Property Subcommittee added January 20, 2004).

RULE 11A

AD HOC COMMITTEES

The President of the Council, with the approval of the Council, may designate ad-hoc committees as is deemed necessary.

RULE 11B

COMMITTEE PARAMETERS AND GUIDELINES

All committees shall be advisory to the council and take no actions that bind the Council.

Committee meetings shall be coordinated with the City Clerk, who will post notice of all meetings as required.

Standing committees and ad hoc committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. A clerk shall be appointed from the committee to record minutes. The President and Vice President of the Council shall not serve as a chairperson of any standing or ad hoc committee.

The President shall be an ex-officio member of all committees. Meetings of committees may be called by the chairperson or upon the written request of two members of the committee. All committees of the City Council shall keep records of proceedings, and a copy of said records shall be filed with the City Clerk within thirty days following each meeting.

Committees have the right and obligation to be creative, offer opinions, majority or minority, produce documents, communicate and participate with city departments/agencies, other governmental agencies, and the general public, subject to the rules and procedures of the City Council, Easthampton Home Rule Charter, Massachusetts General Laws, or otherwise voted by the City Council.

All new committees, boards, and commissions will be evaluated at the end of the first year, at which time a decision will be made by the City Council to continue, disband, or change the entity.

RULE 11C

SUB-COMMITTEE/MAYORAL COMMUNICATIONS

All sub-committees shall include "Mayoral Communication" as defined in Rule 5G on their agenda. The Mayor may attend sub-committee meetings and speak at that designated time only.
(Rule 11C added November 6, 1996)

RULE 11D

THE ROLE OF THE PUBLIC SAFETY COMMITTEE

The Public Safety Committee shall have jurisdiction over all matters related to public safety which come before the council for action; including but not limited to: police, fire, public

works, adoption and abandonment of public ways, and the change of name of any public or private way. (Rule 11D added December 3, 1996)

RULE 11E

THE ROLE OF THE RULES AND GOVERNMENT RELATIONS COMMITTEE

The Committee shall:

1. Recommend the establishment of new council rules.
2. Interpret council rules for the full council.
3. Advise the council on matters pertaining to the interpretation of the Home Rule Charter.
4. Advise the council on matters pertaining to the relations of government departments, multi-member boards, and government officials to each other and to the council. This shall include the investigation of activities of government departments, boards or individuals when requests for such investigations are made to the council in writing. All investigations of departments, boards, or individuals under the authority of the mayor shall include the involvement and cooperation of the mayor whenever possible.
5. Advise the council on any breaches of the rules or the charter by individual council members, committees or by the executive branch as brought to the council by council members, citizens or the mayor.
6. The committee will not address any complaint raised unless all the proper channels have been followed without satisfaction.

The committee's role in all investigative pursuits shall be advisory and shall not have the authority to bind the council to any action. (Rule 11E added September 16, 1997)

RULE 11F

COMMITTEE REPORTS

Unless otherwise stated by state law or home rule charter, the status of any measure or item having been properly presented and referred to committee by the full council, must, as of the date of the adoption of this rule, be reported by that committee at least 90 days following the

initial referral. At that time the council must vote to either continue the item in committee or dispose of it. The full council by majority vote may also add additional time constraints to the committee requiring action. (Rule 11F added January 20, 2004)

RULE 12

OFFICERS ELECTED BY CITY COUNCIL

Any Council action regarding the election of city officers as provided in Section 2-8 of the Easthampton Home Rule Charter or ordinance or other action of the Council shall be acted upon at the regular meeting succeeding that in which said elections were presented.

RULE 13

COUNCIL VACANCY

A vacancy on the Council and/or vacancy of any office on the Council shall be filed in accordance with Easthampton Home Rule Charter Section 2-11 and Council Rule 3.

RULE 14

COUNCIL INVESTIGATIONS

The City Council may make investigations into affairs of the city and into the conduct and performance of any city agency and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

The City Council may require any city officer, member of a city agency, or city employee to appear before it to give such information as the City Council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the City Council.

The City Council may require the Mayor to provide specific information to it on any matter within the jurisdiction of the City Council. The City Council may require the Mayor to appear before it, in person, to respond to written questions made available to the Mayor at the time the
RULE 14, continued

request to attend is made to the Mayor to provide specific information on the conduct of any aspect of the business of the City. The Mayor may bring to such meeting any assistant, department head, or other city officer or employee the Mayor may deem necessary to assist in responding to the questions posed by the City Council.

The City Council shall give not less than five days notice to any person it may require to appear before it under provisions of this section. The notice shall include specific questions on which the City Council seeks information, and no person called to appear before the City Council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery by hand or by registered or certified mail to the last known place of residence or any such person.

INQUIRIES

An inquiry may be called for by a majority vote of those present at a regular Council meeting. Any inquiry shall be made through the Mayor if it concerns areas under his authority, and specific questions asked shall be answered in a report by the Mayor to the Council within sixty days. If independent expertise is needed, the Mayor shall so notify the Council. If an inquiry is made into an area outside the Mayor's area of authority, the Council may require such persons as mentioned in Section 2-7 to appear to give information or make a report within sixty days. In either case, a report may be considered final by the Council, or the Council may call for further information so that its questions may be answered.

INVESTIGATIONS

If the Mayor or other person(s) requested to make a report shall fail to do so or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any City officer, board or commission or its members or if the Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize any investigation to proceed.
2. The Council may, by an affirmative vote of the full Council, establish a three-person Committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for

RULE 14, continued

completion of the subcommittee's work, subject to review at the request of the subcommittee. If the subcommittee determines that the original scope of the

investigation needs to be broader, it must receive authorization from a majority of the full Council.

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasijudicial in nature. If the investigative committee is quasijudicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.
4. The Council may, consistent with existing ordinance and the Administrative Code, request the services of an independent attorney and/or other individuals to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.
5. Funds for the employment of an independent attorney shall come from the Council's budget.
6. All meetings of the Council or its subcommittees shall be held in accordance with the Open Meeting Law, MGL c. 39, 23B.
7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the City Council.
8. The proceedings of the meetings shall be recorded and transcribed verbatim and provided to the full Council along with a copy of subcommittee findings. Transcriptions of meetings held in open session shall be made readily available to the public in a timely fashion.
9. The subcommittee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The full Council will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Charter, collective bargaining agreements, and personnel rules and regulations.

RULE 15

AGENDA ITEMS

The following agenda items may be acted upon at a first reading:

Proclamations, Free Petitions, Resolutions, Transfer Orders, or Emergencies.

In accordance with Section 2-6 (c) of the Easthampton Home Rule Charter, the following agenda items require assignment to a committee and recommendation by the committee to the full Council: Appointments, Appropriation Orders, Amendments to General and Zoning Ordinances, Amendments to the Administrative Code and other Rules of the City of Easthampton, Group Petitions, Loan Authorizations, Supplemental Appropriations, and other measures.

No debate shall take place at the first reading of any item requiring a second reading.

RULE 16

AMENDMENTS OR ADDITION TO RULES

As specified in the Easthampton Home Rule Charter 2-6 (c) (v), additions or amendments to the Rules of the Council shall be referred to the Committee on Rules, which shall bring its recommendations to the Full Council.

RULE 17

COMMUNICATIONS

- a. In General: All communications shall not be considered official if not made in writing and filed with the Clerk of the Council.
- b. Council and Committee: Communications required by the full Council or a sub-committee shall be made through the Clerk of the Council. The Clerk shall prepare all written correspondence as required and directed by the President/Chair. The President of the Council or Chair of a sub-committee shall sign for the whole any correspondence not legally requiring signatures by all. Individual councilors acting as a member of the government shall file with the Clerk any correspondence they themselves shall originate.
- c. Internal Communications: All correspondence such as memorandum between a Councilor and any official in the government shall be filed with the Clerk of the Council. All policies or rules of the Council or its committees shall be in writing and also filed with the Clerk of the Council and provided to that branch of the government that may be affected as well as the Mayor's office. (Rule 17 added November 6, 1996)

RULE 18

PROCUREMENT PROCEDURES

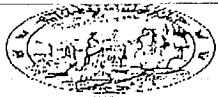
For any tangible property that the city wishes to declare surplus, if the property is less than five-hundred dollars (\$500.00) in value, it may be disposed of subject to the general procurement laws of the state. (Paragraph amended October 2, 2001)

For any property in excess of five-hundred dollars (\$500.00) that the city wishes to declare surplus and dispose of, a list of such property will be supplied by the Chief Procurement Officer and provided to the City Council. The City Council will review said list and authorize the Chief Procurement Officer to release for disposal according to procurement laws. Said property once released by the council will be deemed final and will result in no further action from said body.

If a surplus piece of property deemed in value less than five-hundred dollars (\$500.00) is disposed of for more than said price, the council will still be required to authorize the final disposition of said property by a vote of the council at the earliest possible time.

(Rule 18 added March 16, 1999)

City Council Rules originally adopted on October 1, 1996. Amended on November 6, 1996, December 3, 1996, September 16, 1997, March 16, 1999, December 7, 1999, October 2, 2001, January 20, 2004, May 1, 2007 and January 2, 2008.



Re: Easthampton City Council Rules

William Dwight <bdwight@comcast.net>

Mon, Dec 10, 2012 at 12:28 PM

To: Mary Midura <mmidura@northamptonma.gov>

Cc: "David A. Murphy" <david.murphy8@comcast.net>, David Murphy <dmurphy@northamptonma.gov>, Eugene Tacy <etacy@northamptonma.gov>, Gene Tacy <genetacy@comcast.net>, Jesse Adams <jadams@northamptonma.gov>, "Marianne L. LaBarge" <mlabargeward6@aol.com>, Maureen Carney <mcarney@northamptonma.gov>, Owen Freeman-Daniels <ofreemandaniels@northamptonma.gov>, Pamela Schwartz <pschwartz@northamptonma.gov>, "Paul D. Spector" <pauldspector@gmail.com>, Paul Spector <pspector@northamptonma.gov>, "William H. Dwight" <wdwight@northamptonma.gov>, "Mayor of Northampton Mass." <mayor@northamptonma.gov>, David Narkewicz <dnarkewicz@northamptonma.gov>

For added perspective, I'm attaching the rules from Holyoke and Greenfield.

B

bdwight@comcast.net

On Dec 10, 2012, at 9:01 AM, Mary Midura <mmidura@northamptonma.gov> wrote:

----- Forwarded message -----

From: Maureen Carney <mcarney@comcast.net>

Date: Mon, Dec 10, 2012 at 8:57 AM

Subject: Easthampton City Council Rules

To: "David A. Murphy (E-mail)" <david.murphy8@comcast.net>, Jesse Adams <jessemadams@aol.com>

Cc: Bill Dwight <bdwight@comcast.net>, Mary Midura <mmidura@northamptonma.gov>

Hello,

I'm forwarding this in the context of the discussion tonight on Council Rules.

I would like us to consider the Easthampton language regarding Council President's ability to debate without leaving the Chair.

>

> "The President of the Council has the power to vote on all matters coming before the Council. The President of the Council may at any time declare a recess of not more than fifteen minutes. The President of the Council may state fact and opinions and enter into debate without leaving the chair."

--

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8:30 am - 12:00 Friday

(City of Northampton E-mail is a public record except when it falls under one of the specific statutory exemptions.)

<EasthamptonCityCouncilRules.pdf>

2 attachments

Greenfield Rules.doc

79K

RULES OF PROCEDURE

of the

GREENFIELD TOWN COUNCIL

10-21-2009

09-21-2011

09-19-2012

Chapter 1261

RULES OF PROCEDURE

- | | |
|---|---|
| § 1261-1. Rule 1, Organization. | § 1261-8. Rule 8, Order and Disposition of Business. |
| § 1261-2. Rule 2, Meetings. | § 1261-9. Rule 9, Committees. |
| § 1261-3. Rule 3, Presiding Officer. | § 1261-10. Rule 10, Amendment or Suspension of the Rules. |
| § 1261-4. Rule 4, Voting. | § 1261-11. Rule 11, Parliamentary Procedure. |
| § 1261-5. Rule 5, Debate. | § 1261-12. Rule 12, Public Participation. |
| § 1261-6. Rule 6, Orders of Motions. | § 1261-13. Rule 13, Seating of the Town Council. |
| § 1261-7. Rule 7, Duties of the Clerk of the Council. | § 1261-14. Rule 14, Request by Councilors for legal Opinions/ Material. |

[History: Adopted by the Town Council of the Town of Greenfield 11-16-1983; printed as amended 2-19-1986, 12-18-1991, 3-18-1992, 11-15-1995, 5-20-1998, 7-7-2004, 12-1-2004, 6-1-2005, 7-6-2005, 7-5-2006, 7-12-2006, and 7-2-08. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Meetings of boards, committees and commissions – See Ch. 34.

§ 1261-1. Rule 1, Organization.

A. ORGANIZATIONAL MEETING

The Town Council shall meet for organization on the first business day in July following the regular town elections. This organizational meeting shall be held before the regular Town Council meeting. (Charter 8.8: (a))

B. OATH OF OFFICE

The new members of the Town Council shall severally take the oath before the Mayor, Town Clerk, Judge, or Justice of the Peace to perform faithfully the duties of their respective offices. (Charter 8.8: (b))

C. ELECTION OF OFFICERS

The Town Council shall by majority vote of all the members present, elect a President, a Vice-President, Treasurer and any other officers deemed necessary. (Charter 8.8: (c))

D. APPOINTMENT OF TOWN CLERK AND TOWN AUDITOR

The Town Council shall elect the Town Clerk and may Town Auditor to serve for a term of three (3) years and until a successor is chosen and qualified. The Town Clerk shall also serve as Clerk to the Town Council. (Charter 2-8 (b) & (c))

E. REMOVAL OF THE TOWN CLERK AND TOWN AUDITOR

The Town Clerk or Town Auditor may be removed or suspended by the Town Council by a majority vote. Such vote, unless for cause, shall be no sooner than 180 days after the last Town election.

§ 1261-2. Rule 2, Meetings.

A. REGULAR MEETINGS

Regular meetings of the Town Council shall be held at the GCTV-15 Studio, 393 Main Street or, if agreed by a majority of the Committee Chairpersons, at any other suitable public building within the Town of Greenfield, at 7:00 p.m. in the evening on the third Wednesday of each month. (Charter 2-6 (c)1) (Time of meeting amended on 7-5-06)

(1) In the event of elections and holidays, meetings will be held on the following business day.

B. SPECIAL MEETINGS

Special meetings of the Town Council shall be held at the call of the Council President, the Mayor, or on the call of five or more members by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in the case of an emergency, of which the Council President or Presiding Officer will be Judge, such notice shall be delivered at least forty-eight (48) hours in advance of the time set for such meeting. A copy of the notice shall be forthwith posted on the Town Bulletin Board. (Charter 2-6 (c) 2)

C. MEETING WITH MAYOR

The Mayor and representative of the School Committee will be encouraged to attend Town Council meetings.

D. QUORUM

The presence of seven (7) members shall constitute a quorum for the transaction of business. The Affirmative Vote of a majority vote of those present shall be required to adopt any ordinance or appropriation order unless otherwise provided by general law or by Charter.

E. ATTENDANCE

Any member missing ten (10) or more unexcused Council or Committee Meetings, or a Combination thereof, within a fiscal year, shall be subject to disclosure by the Town Council President at a regular Council meeting.

F. OPEN MEETING

All sessions of the Town Council and of every committee or subcommittee thereof, shall at all times be open to the public, unless another provision is made by law. (Charter 2-6 (3))

§ 1261-3. Rule 3, Presiding Officer.

A. PRESIDING OFFICER

The President of the Town Council, if present, shall preside at all meetings of the full Town Council. In the absence of the President, the Vice-President of the Town Council shall preside and in the absence of both the Treasurer of the Town Council shall preside, and in the absence of all three, a temporary chairperson shall serve who is senior in length of service, or if more than one have so served then the member senior both in age and length of service shall serve during the absence of both the President, Vice-President, and Treasurer.

B. DUTIES OF PRESIDING OFFICER

- (1) The presiding officer shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all questions of order, subject to an appeal to the Town Council.
- (2) The presiding officer shall be allowed to vote on any question to appeal.
- (3) The presiding officer shall declare all votes and, if the result be in doubt, may require a roll call vote.
- (4) When the presiding officer desires to relinquish the chair she/he may call any Councilor to it; but such substitution shall not continue beyond the will of the Presiding Officer so relinquishing the chair or beyond an adjournment.
- (5) The presiding officer may state facts and give opinions upon questions of order without relinquishing the chair.
- (6) The Presiding Officer shall be ex-officio member of all committees. In the absence of a quorum of any standing sub-committee of the council, the Town Council President and the Vice President and the Treasurer may become a voting member of the sub-committee.

C. ADMISSIONS WITHIN THE RAIL

No person shall be admitted within the rail of the Town Council, except upon permission of the Presiding Officer.

§ 1261-4. Rule 4, Voting.

A. ROLL CALL

On any matter requiring a vote, a roll call may be requested by any Councilor and shall be accepted by the President.

B. VOTE

Every Councilor present when the question is put shall vote yes, no, or abstain.

C. CHANGE

Prior to the announcement by the chair of result of a roll call vote, any Councilor may ask to have her/his name called again in order to record themselves differently.

D. CONFLICT OF INTEREST

Members shall not vote on any question or serve on any Committee, in a manner inconsistent with Massachusetts General Laws Chapter Two Hundred Sixty Eight "A" (MGL 268A).

§ 1261-5. Rule 5, Debate.

A. QUESTION

Every Councilor when about to speak shall respectfully address the chair and wait to be recognized before they speak. They have no right to interrupt anyone who is speaking. They shall confine themselves to the question under debate and shall avoid personalities.

- (1) 5.1.1 Civility and respect for each board member goes a long way in insuring that Town Council meetings are orderly and productive.

B. LIMITS

No member shall speak more than twice to the same question without leave from the chair, nor more than once until all other members desiring to speak, have spoken.

- (1) No member shall have, or hold the floor, for more than five (5) consecutive minutes of debate, unless extended by a majority vote of the Council.

C. WITHDRAWING QUESTION

After a motion is stated or read by the chair it shall be deemed to be in possession of the Council, and shall be disposed of by vote or other action, but the mover may withdraw it at any time before a decision or amendment.

D. QUESTIONS FROM TOWN COUNCILORS

Questions from Town Councilors to non Councilors should be directed to the Town Council President. This rule maybe waved by the Council President or presiding officer at anytime at his or her discretion, with out objection.

§ 1261-6. Rule 6, Orders of Motions.

A. EXCEPTIONS

When a question is under debate, the chair shall receive no motion except the following:

1. To adjourn
2. To take a recess
3. To lay on the table
4. To close debate and move the question
5. To limit or extend limits of debate
6. To postpone to certain date
7. To refer
8. To amend
9. To postpone indefinitely; motion 1-8 above shall have precedence over motion

B. RECONSIDERATION

Unless otherwise provided by the charter, after vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken; or to file with the Clerk of the Council, written notice of a motion to reconsider such vote not later than 3:00 PM of the 2nd business day following such meeting.

- (1) After receiving such written notice of reconsideration the Clerk shall place it on the agenda for the next regular meeting.

- (2) 6.2.2 Whenever a written notice of a motion to reconsider has been filed as aforesaid, the Clerk shall notify all of the members of the Town Council.
- (3) 6.2.3 Not more than one motion for reconsideration for any vote shall be entertained, and no vote upon either of the following motions shall be reconsidered: to refer; to adjourn; to lay on the table; to take from the table; and move the question.

§ 1261-7. Rule 7, Duties of the Clerk of the Council.

A. DOCUMENTS – RECORDS

The Clerk of the Council or the designee shall:

- (1) Maintain records of all Town Council business.
- (2) Accept, distribute and file items to be placed on the Council agenda or in the Agenda Packet including:
 - (a) Reports and communications from the Town Council Committees, Mayor, Town Officers, Town Boards and Town Committees,
 - (b) Ordinances, motions, orders, proclamations, resolutions, or other forms of business to be presented to the Town Council for action at meetings.
- (3) This shall not mean that an individual Councilor cannot contact other Councilors directly.
- (4) Process requests for action and proposals using the following guidelines:
 - (a) All requests and proposals shall be submitted in a format determined by the Town Council President, forms and guidelines shall be available at the Town Clerk's/Town Council Office.
 - (b) Failure to comply with this rule may cause the Town Council President to return the item to the author(s) without Council consideration.
 - (c) Failure by an author or their representative to attend the Council meeting and be prepared to present any explanation may cause the item not to be considered at that time.
 - (d) The Presiding Officer of the Town Council shall be informed of all items brought to the Clerk of the Council; the Clerk shall then act at the direction of the Presiding Officer.
 - (e) The President, any Councilor, or other Town Official (with the consent of the Presiding Officer), may bring items to the Council for consideration; other requests for action by citizens may be presented to the Council by a sponsoring Councilor or as otherwise allowed by Charter.
 - (f) Any items for action requiring public hearings shall be referred to the appropriate Committee Chair: public hearings may be held by any standing special or regular sub-committee on behalf of the full Council, unless scheduling or statute requires otherwise. This section in no way prevents the full Council from holding any public hearings.

B. HEARING AUTHORIZATION

The Clerk of the Council is authorized by these rules to order and publish notice of hearings on petitions presented to him/her requiring public hearings before the Council or its Committees.

C. LISTING OF MATTERS

The Council Agenda Packet, complete with copies of all items for consideration and documentation, shall be available for pick-up by Councilors, and distributed to the Mayor, Town Accountant and other Officials as appropriate, no later than 5:00 p.m. on Friday preceding the regular Council Meetings. (If mailed to Town Councilors, posting shall be no later than the Thursday 2:00 p.m. pick up at the Greenfield Post Office.)

D. COMMUNICATIONS TO THE TOWN COUNCIL

All communications addressed to the Town Council as a body or to the Town Council Clerk, Administrative Assistant/Secretary or President of the Council on matters of interest to the entire Council and which would not in the normal course of Council business referred to the Town Council for action will be copied and distributed to each individual Town Councilor.

E. ATTENDANCE WITHIN RAIL

The Clerk of the Council shall note in the official minutes of all meetings of the Town Council, the names of government representatives, department heads, representatives of the news media, invited guests and town officials, who are seated within the rail of the Council meeting place.

F. FILING OF PAPERS

Any order or resolution or other form of business to be presented to the Town Council at its regular meeting for its action shall be submitted to the Clerk of the Council no later than 12:00 noon of the Wednesday preceding the regular Council meetings.

G. FILING FOR COMMITTEE DOCUMENTS

All documentation for Town Council Committees shall be submitted one (1) week in advance of Committee meetings, except for Public Hearing notices which should be submitted twelve (12) days before the hearing date.

§ 1261-8. Rule 8, Order and Disposition of Business.

A. AGENDA

(1) At every regular meeting of the Town Council order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Minutes from Previous Meeting
4. Public Comment
5. Public Hearings
6. Communications from Mayor, Town Officers and Employees
7. Communications from Superintendent of Schools and School Committee
8. Motions, Orders, and Resolutions
9. Presentation of Petitions and Similar Papers
10. Reports of Committees
11. Unfinished Business
12. Old Business
13. New Business
14. Motions for reconsideration
15. Public Forum
16. Adjournment

(2) The above shall not be departed from except by vote of the majority of members present. Posted Council agendas shall state this order of business.

B. ENDORSEMENT

Every ordinance, motion, order, proclamation, resolution or other measure presented for Town Council action shall be accompanied by the approximate cost involved if possible.

C. DISPOSITION OF AGENDA ITEMS

(1) All items of business appearing upon the Town Council Agenda shall be taken up in the order of their appearance and be fully and openly debated and disposed of by vote or other action of the Town Council, previous to consideration of any other item of business.

(2) No item of business shall be referred to committee except for the following reason:

- (a) For study and report at a subsequent meeting.
- (b) For the purpose of drafting an ordinance.

(3) All Town Council Committees shall report on current matters at regular Town Council meetings.

D. ITEMS REFERRED FOR ADMINISTRATIVE ACTION

- (1) All items of business appearing upon the Town Council Agenda shall be taken up in the order of their appearance and be fully and openly debated and disposed of by vote or other action of the Town Council, previous to consideration of any other item of business.

(2) Town Council items referred for Administrative Action shall be processed in the following manner:

- (a) The Clerk of the Council will send the documents to the Official or Board (hereafter referred to as the responsible party) to whom it was referred by the Town Council.
- (b) The responsible party shall provide a written reply to the Town Council regarding the final disposition of the matter within two (2) weeks of the Town Council action to refer the matter.
- (c) The Presiding Officer and Councilors requesting such shall receive copies of the reply.
- (d) If final disposition cannot be effected within two weeks the party involved shall notify the Town Council as to the earliest date for action on the matter. This notification shall be made within ten (10) days of the Town Council action to refer the matter.
- (e) The Clerk of the Council will keep a list of pending matters which will be furnished to the Councilors monthly.

E. MEASURES ONCE REJECTED

When any ordinance, motion, order, proclamation, resolution or other measure has been rejected by the Town Council, no item embodying substantially the same subject shall be presented to the Town Council within Nine (9) months of rejection of the measure, unless otherwise provided by the Charter.

§ 1261-9. Rule 9, Committees.

A. APPOINTMENTS

After the organization of the Town Council, the President shall seek Councilors requests for Committee appointments and then appoint members, the first named being chairperson, to the following standing Committees:

B. COMPOSITION - CHARGE

(1) Ways and Means Committee

To consist of five (5) members of the Council to deal with all matters pertaining to expenditures and matters pertaining to budget. The Ways and Means committee shall hold all public hearings on the above matters, unless otherwise provided for.

(2) Appointments and Ordinances Committee

To consist of five (5) members of the Council to consider the advisability and merit of any ordinance and/or ordinance changes referred to it as well as the form and legality thereof and to consider all legal matters along with the Town Attorney. The Appointment and Ordinance Committee will review Mayoral appointments to multiple member boards and make recommendations to the full Council for action within 30 days. The Appointment and Ordinance committee shall hold all public hearings on the above matters, unless otherwise provided for.

(3) Economic Development Committee

To consist of five (5) members of the Council to deal with all matters pertaining to planning redevelopment, housing, Sale of Town owned Land, Commerce, Tax Incentives and the Zoning Board of Appeals. The Economic development committee shall hold all public hearings on the above matters, unless otherwise provided for.

(4) Community Relations and Education Committee

To consist of five (5) members of the Council to act as liaisons between town departments, commissions, and boards with a focus on quality of life issues in Greenfield. The Community Relations and Education Committee will also provide a regular venue during meetings for communications with the School Department on cultural and social aspects within the schools. The Community Relations and Education Committee shall promote on-going communication between residents and town government, encourage resident participation in town meetings, and provide forums, both in-person and electronic, for interaction between Council members and the public.

No language above shall prevent The Council president or presiding officer from assigning any matter to a special or standing sub-committee of his or her choosing.

C. RECORDS

All committees shall keep minutes and records of their meetings. All minutes shall be submitted to the Council Clerk.

D. APPROVAL

No documents shall be submitted to the Town Council on behalf of the Committee unless approved by the Committee.

E. SUPPORT

Appropriate clerical and administrative support will be provided by the Clerk at the request of the Committee Chair to the Presiding Officer.

§ 1261-10. Rule 10, Amendment or Suspension of the Rules.

A. VOTE

Insofar as these rules are not of statutory source or origin, the same may be amended, repealed or suspended at any meeting by the two-thirds vote of Councilors present.

B. CONCURRENCE

If any action is taken inconsistent with these rules, the same shall be construed to have been taken in the suspension of the rules thereof, provided that the Town Council concurs in such action.

§ 1261-11. Rule 11, Parliamentary Procedure.

ROBERTS RULES

In all matters of parliamentary procedure not provided for in these rules, the Town Council shall be governed by the current edition of Robert's Rules of Order Newly Revised, Scott Foresman.

A. MINUTES

The minutes of the Town Council meetings shall include the Councilor who makes a motion and also the Councilor who seconds same.

§ 1261-12. Rule 12, Public Participation.

A. CONDUCT

Any member of the public desiring to address the Town Council shall be recognized by the Chairman or Presiding Officer, shall state his/her name and address in an audible tone for the record, and shall limit his/her remarks to matters of town business.

(1) Any citizen or petitioner shall be limited to five (5) minutes or another amount of time at the discretion of the Presiding Officer.

(2) 12.1.2 Upon the request of the Presiding Officer all persons shall be silent.

(3) 12.1.3 Public members may be recognized to speak to the Council at the pleasure of the Presiding Officer or a majority of the Council present.

B. NON RESIDENTS

Members of the public who are not residents of Greenfield may speak when all residents who wish to do so have spoken.

§ 1261-13. Rule 13, Seating of the Town Council.

Councilors At Large will be seated together. The Precinct Councilors will be arranged around the table clockwise in descending order.

§ 1261-14. Rule 14, Request by Councilors for Legal Opinions/Material.

A. DEFINITION- "request by Councilors for legal opinions" is defined as any request by a councilor for a legal opinion/material from any person that would incur an expense for the city of Greenfield.

B. ACTION REQUIRED BY COUNCILORS- Any Councilor wishing to receive an opinion or material that would incur an expense, must submit in writing to the Town Council President the reasons for the request. The Council president will present this request to the Council chairs within 30 days.

C. ACTION BY CHAIRS- Once presented to the Chairs, it shall be handled in a like matter, as all material referred to the same.

RULES AND ORDERS OF THE CITY COUNCIL

RULE 1. Regular meetings of the City Council shall be held on the first and third Tuesday of each month at 7:00 o'clock p.m.

RULE 2. The President shall take the chair at the hour appointed, or to which the City Council has adjourned or been called together. He shall call the members to order, cause the roll to be called and the names of the absentees recorded. If a quorum be present, he shall then proceed to business. A majority of the members shall constitute a quorum, but a less number may adjourn, generally, or to a day certain.

RULE 3. In the absence of the President, the senior member present shall call the City Council to order. The City Council shall then proceed to ballot for a President Pro Tempore, and a plurality of the vote taken shall be sufficient for a choice.

RULE 4. The President shall preserve order and decorum. He may speak to points of order, in preference to other members, and shall decide all questions of order, subject to an appeal to the City Council, on motion of any member, regularly seconded.

RULE 5. The President shall declare all votes, but if any member doubts the vote, the President, without further debate, shall require the members voting in the affirmative and the negative to raise hands until they are counted, and shall then declare the result. All votes shall be decided by a majority of the body vote for all appointments, unless the provisions of the City Charter or any statute, ordinance or rule herein provides otherwise.

RULE 6. When a question is under debate, the President shall receive no motion, but:

To adjourn.

To lay on the table.

To the previous question.

To postpone to a day certain.

To commit.

To amend.

~~To postpone indefinitely.~~

RULE 7. The President shall rise to address the City Council to state facts, or to put a question, but may read sitting.

RULE 8. The President may call the senior member or any member to the chair, who may preside during one meeting; and when out of the chair may participate in any debate, but shall not resume the chair while the same question is pending, provided the same is taken previous to adjournment.

RULE 9. Questions shall be propounded in the order in which they are moved, unless the subsequent motion be previous in its nature; except that in naming sums and fixing times to fill blanks, the largest sum and the longest time shall be put first.

RULE 10. The motion to adjourn, when to adjourn simply, the motion to lay on or to take from the table, for the previous question, and for the call by yeas and nays, shall be decided without debate, but the motion for leave to withdraw is debatable.

RULE 11. The previous question shall be put in one of the following forms: "Shall the main question be now put?"; "Move the previous question?"; or, "On the motion." and all debate upon the main question and pending amendments shall be suspended until the previous question is decided. After the adoption of the previous question the vote shall forthwith be taken upon pending amendments in their regular order and then upon the main question.

RULE 12. The vote of the City Council upon any question shall be taken by roll call, when the same is requested by at least three members.

RULE 13. All incidental questions of order arising after a motion is made for the previous question shall be decided without debate, except on an appeal; and on such an appeal no member shall be allowed to speak more than once without leave of the City Council.

RULE 14. When two or more members desire to speak at the same time, the President shall name the member who is to speak first.

RULE 15. All Committees shall be appointed and announced by the President, unless otherwise provided for, or especially directed by the City Council.

RULE 16. In all cases the President may vote.

RULE 17. When a member is about to speak in debate, or deliver any matter to the City Council, the member shall respectfully address the presiding officer. The member shall speak only in regard to the question under debate and avoid personalities.

RULE 18. No member in debate shall make any references to another member but in respectful terms.

RULE 19. No person shall be interrupted while speaking but by a call to order, or for explanation. When a member is called to order the member shall immediately defer to the President, unless permitted to explain; and the City Council, if appealed to, shall decide the case without debate; and if the decision is against the member, the member shall not be permitted to speak, unless by way of excuse for the same, until the member has made satisfaction.

RULE 20. During debate, if objection is made thereto, no member shall speak more than twice to the same question without leave of the City Council, nor more than once until all other members choosing to speak have spoken.

RULE 21. Every member who is present when a question is put shall vote on the matter unless the City Council for special reasons excuses the member or unless the member's private interests are involved therein.

RULE 22. Every motion shall be reduced to writing if requested by the President. All orders and resolutions requiring the approval of the Mayor shall be presented in writing, and signed by the person presenting them.

RULE 23. When a vote has been taken by either an affirmative or negative vote it shall be in order for any member to move a reconsideration thereof at the same session, but not afterwards; but when a motion for reconsideration is decided, that vote shall not be reconsidered.

RULE 24. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

RULE 25. No rule or standing order of the City Council shall be suspended unless two-thirds of the members present consent thereto; nor shall any rule or order be repealed or amended without giving notice thereof at the preceding meeting, nor unless a majority of the whole Council concurs therein.

RULE 26. At every regular meeting of the Council, the order of business shall be as follows:

1. Calling the roll of the members.
2. Pledge of Allegiance.
3. Reading the journal of the previous meeting, if requested by the City Council.
4. Unfinished business of previous meeting.
5. Communications and reports from city officers.
6. President's Report
7. Presentation of petitions, memorials, and remonstrances.
8. Reports of committees.
9. Motions, Orders and Resolutions.

The above shall not be departed from but by vote of the majority of the City Council present.

RULE 27. All papers addressed to the City Council shall be presented by the President, who may explain the subject thereof, and they shall be disposed of in the order in which they are presented, unless the City Council directs otherwise.

RULE 28. No committee shall sit during the sitting of the City Council without special leave, except the Committee on Ordinance, the Committee on Finances.

RULE 29. When a committee is nominated by the President, the first person named shall be the chairperson and the second person named shall be the vice-chairperson.

RULE 30. The seats of the City Council shall be numbered, and no member shall change his seat, but by permission of the President.

~~**RULE 31.** All committees of the City Council shall consist of five members, unless~~
a different number shall be specially ordered, and no report shall be received from
any committee unless agreed to in committee actually assembled, and all reports
shall be in writing.

If any committee lacks a quorum, the President of the Council can sit in to meet that
quorum requirement.

RULE 32. STANDING COMMITTEES shall be appointed on: Ordinance,
Finance, Public Safety, Public Service, and Redevelopment. The jurisdiction of the
standing committees shall be generally defined as follows:

The Ordinance committee shall have jurisdiction over matters relating
to the adoption, amendment or deletion of any city ordinance; petitions for the
establishment of telephone poles and wires; petitions for special permit
(except home occupation) and petitions for zone changes.

The Finance Committee shall have jurisdiction over matters
related to the finances of the city; appropriations; the accounts of all
city officers and departments; the issuance of municipal bonds;
petitions for licenses; and, matters related to cable television.

The Public Safety Committee shall have jurisdiction over
matters related to the affairs of the police and fire departments; the
board of public works, the gas and electric department and the water
department; and, the adoption or abandonment of any public way or the
change of name of any public or private way.

The Public Service Committee shall have jurisdiction over
matters related to transportation, the affairs of the parks, recreation and
forestry department; the appointment or election of any city official; the
city's acquisition or disposition of any interest in real property; and,
matters pertaining to the elderly, the Geriatric Authority and the
Council on Aging.

The Redevelopment Committee shall have jurisdiction over matters related to the affairs of the office of community development, the office of industrial affairs, and any matters related to the housing or community economic or industrial development and special permits for home-occupation issued by the City Council (amended Dec. 20, 2005, previously Ordinance Committee was responsible for special permits). The Redevelopment Committee shall act as the Council's "Legislative Affairs Committee".

Except as otherwise provided in the city charter or any statute, ordinance or rule herein, the City Council may refer any matter, by a majority vote, to a different committee other than provided for above. Further, the City Council may establish additional special committees as the City Council deems appropriate. City Council members serving on other municipal committees do not represent the entire Council unless they were appointed to that committee by the Council or its President.

Rule 33. No member shall participate in any discussion, deliberation or vote on any matter before the City Council or any committee thereof that may constitute a conflict of interest under the laws of the Commonwealth of Massachusetts. If a conflict of interest possibly exists, the member shall excuse himself or herself from the Council chambers and abstain from any participation in the discussion, deliberation or vote on such matter.

RULE 34. All petitions for laying out, widening, altering, or relocating streets or ways shall be presented to the City Council, and by them referred to the Board of Public Works.

RULE 35. Any ordinance, order, resolution, or vote involving the appropriation or expenditure of money to an amount which may exceed two hundred dollars, shall require for its passage the affirmative votes of a majority of all members of the City Council. Every such ordinance, order, resolution, or vote shall be read twice, with an interval of at least three days between the two readings, before being finally passed; and the vote at its final passage shall be taken by roll call; provided, however, that upon and after the written recommendation of the Mayor, the City Council may pass such ordinance, order, resolution, or vote on the same day by a two-thirds yea and nay vote. {See City Charter s. 22}

RULE 36. No ordinance shall be adopted, amended or deleted by the City Council until it shall have been first referred to the standing Committee on Ordinances.

RULE 37. A draft of the adoption, amendment or deletion of an ordinance to be reported to the City Council by the Committee on Ordinances, whether reported by a majority or a minority of said committee, shall first be submitted by the committee to the City Solicitor for examination and approval as to form and legal character. The City Solicitor shall forthwith examine the same, and if he disapproves of the form and legal character thereof, shall signify his disapproval thereon, and return the same to the committee; and if he approves of the form and legal character thereof, shall signify his approval thereon and transmit the same to the City Clerk, who shall cause the same to be printed in the usual form of printed ordinances, and shall mail a printed copy thereof, showing thereon the approval of the City Solicitor, to the following: the Mayor, the City Solicitor, and each member of the City Council, at least two days before the meeting at which the report is to be offered. If, after the draft of a proposed ordinance has been returned to the committee by the City Solicitor disapproved, and after further consideration, the committee or a minority thereof decide to report the ordinance to the Council unchanged, the draft shall thereupon be filed with the City Clerk, who shall cause the same to be printed, and printed copies showing thereon the disapproval of the City Solicitor, mailed to the Mayor, City Solicitor, and each member of the City Council in the same manner herein before provided for ordinances approved by the City Solicitor.

RULE 38. Every ordinance shall pass through the following stages before it shall be considered as having received the final action of the Council, namely; first reading, second reading, passage to be enrolled, committee report on enrollment be received and passage to be ordained. After its passage to be enrolled, the ordinance shall be enrolled by the clerk. No ordinance shall be amended after its passage to be enrolled, but may be rejected at any stage of its progress.

RULE 39. Every ordinance after its passage to be ordained shall be signed by the President of the City Council, or the President Pro-tempore.

RULE 40. All petitions for dealers in junk, second hand articles, and pool room licenses, temporary shows and exhibitions, and any other license that calls for police surveillance shall be presented to the City Council unless otherwise provided for by the city charter or any statute or ordinance, and by the City Council referred to the Finance Committee.

RULE 41. In case of the absence of the Clerk, a Clerk Pro-tempore shall be appointed who shall be sworn to the faithful discharge of his duties.

RULE 42. The Mayor may at any time call a Special Meeting of the Council, by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be delivered to the City Clerk and deposited in the Post Office, postpaid and addressed to each member of the Council, at least forty-eight (48) hours before the time set for the meeting (See 1965 Mass. Acts c. 187) Such notice shall likewise be posted in compliance with the open meeting law of the Commonwealth of Massachusetts.

RULE 43. Roberts Rules of Orders shall be the authority adopted by this Council on all points of parliamentary practice not specifically covered by the city charter or any statute, ordinance, or the Rules of the City Council.

RULE 44. No order, request, resolution or other form of business shall be presented to the City Council, except as provided below, unless a true copy of same shall have been filed in the Office of the City Clerk on or before one o'clock in the afternoon of the last Friday before the regular meeting of the Council, provided that if any Friday shall fall on a legal holiday, such order, request, resolution or other business shall be filed on the last Thursday before the regular meeting. The City Clerk shall, at least forty-eight hours prior to a regular meeting prepare an agenda summarizing or identifying each order, request, resolution or other form of business and mail a true copy thereof to each member of the City Council at his last and usual place of abode.

An order, request, resolution or other form of business should only be presented to the City Council other than provided for above, if, in the opinion of the maker of the order, request, resolution or other form of business, the matter requires the urgent and immediate attention of the Council and the City Council so approves by a two-thirds vote.

RULE 45. All orders presented to the City Council shall be fully read by the presiding officer before any action is taken.

RULE 46. When a member is about to make a motion or to second same on any matter, the member shall respectfully address the presiding officer.

RULE 47. All "Rules and Orders of the City Council" shall be read by the President of the Council to every newly elected City Council during the first

meeting of that newly elected Council or at any time prior to said first meeting if the City Council so agrees.

RULE 48. That any expenses for travel incurred by members of the City Council shall be incurred only after a vote by the City Council. However, if in the opinion of ~~the President of the City Council, circumstances make it necessary that travel be~~ undertaken without such vote, his written approval for such travel shall make the same valid, and in the absence of the President of the City Council, the Chairman of the Finance Committee may give such approval under like circumstances.

RULE 49. (Repealed on March 15, 1994 by the City Council).

RULE 50. The following information must be submitted to the City Council with every loan or bond order:

1. A statement as of that date of the bonded indebtedness of the city, exclusive of the self-supporting bonds of the Gas and Electric Department and the Water Department
2. A statement of the borrowing capacity remaining within the limits as set by law, after issuance of the bond being applied for.

RULE 51. All new appointments and reappointments submitted to the City Council for confirmation shall be referred to the Public Service Committee for its recommendation.

RULE 52. At the outset of each meeting of the City Council the President shall request a member to draw by lot the name of a councilor. The name so drawn shall be the first name called for that meeting on every roll call vote, followed in alphabetical order by the rest of the names appearing after the name so drawn.

RULE 53. The Public Service Committee will be the committee that will represent the City Council where requested by local civic, fraternal, social, or business groups or organizations.

RULE 54. No council committee shall take any action on any business referred to that committee by the full City Council unless the committee has in writing a City Council order, a petition, letter, or communication referring to the subject to be studied by the committee.

RULE 55. All city council orders introduced to the City Council shall be numbered consecutively, and a log of all orders be kept by the City Clerk and the Council's Clerk of Committees showing the order number, the date the order was brought before the City Council, the action taken by the City Council on the order, or the Council Committee or city department the order was referred to, the date the order was referred back from the committee or department, and the final action taken by the City Council.

RULE 56. The President and/or Committee chairs can cancel meetings due to inclement weather.

RULE 57. Subcommittees should not be allowed to meet at the same time/same night.

RULE 58. Ordinances shall not be drawn into legal form unless the Ordinance Committee has take a vote on the matter.

RULE 59. Co-signers of City Council orders must call the City Clerk to confirm that they do, in fact, want their name on that specific order.

RULE 60. Any sub-committee meeting held on the same night (prior) to a regularly scheduled meeting of the full City Council MUST adjourn at least 15 minutes prior to the start of the full City Council meeting.

RULE 61. All orders sent to any subcommittee be acted upon (taken up, not disposed of) within 30 days.

RULE 62: The City Council President, when representing the City Council or acting in his or her capacity as President, shall make a written or oral report of any meeting he or she attends to the Full Council at the next available meeting of the City Council.

RULE 63: All Subcommittees who meet on the same night of a full council meeting to promptly adjourn 20 minutes before the meeting.

RULE 64: There will be a public comment agenda item at each regular council meeting. A time where citizens could speak freely about issues both on and off the meeting's agenda. The amount of time allowed for this, how it is structured and limits on individual time for speaking can be discussed. City Council president would have overall control of this aspect of the meeting.